

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WORCESTER DIVISION

SOLMETEX, INC.)	Civil Action No.: 04-CV-40024-NMG
)	
Plaintiff,)	Judge: Gorton
)	
v.)	
)	
MAXIMUM SEPARATION)	
SYSTEMS, INC.)	
)	
Defendant.)	

NOTICE OF CASE STATUS

Plaintiff SolmeteX, Inc. ("SolmeteX") respectfully submits this Notice of Case Status to provide the Court with an update regarding the status of the lawsuit filed in the United States District Court for the Western District of Washington involving similar parties and issues. As the Court will recall, Defendant Maximum Separation Systems, Inc. ("Maximum Separation") filed a lawsuit in the Western District of Washington after the instant action was filed alleging SolmeteX infringed the patent that is the subject of the instant action. In response, SolmeteX filed in the Western District of Washington a Motion to Stay or Transfer Venue pursuant to 28 U.S.C. § 1404(a). The Court in Washington on April 6, 2004, granted SolmeteX's Motion and ordered that the Washington action be transferred to this Court. In particular, the Washington Court found that the requirements of Fed. R. Civ. P. 4(k)(2) had been satisfied, and for the convenience of the parties and witnesses and in the interest of justice, it is appropriate for this action to proceed as opposed to the Washington action. A copy of the Order of the Washington Court transferring the Washington action to this Court is attached hereto as Exhibit A for the convenience of the Court.

SolmeteX will be submitting a motion to consolidate the transferred action with the instant action. Accordingly, Maximum Separation's Motion to Dismiss for Lack of Personal Jurisdiction and Improper Service is moot.

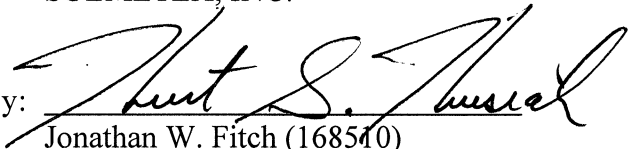
Respectfully submitted,

SOLMETEX, INC.

Dated:

9 April 2004

By:



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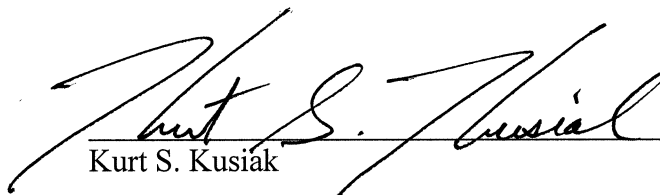
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Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on 9 April 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: John M. Skenyon, counsel for Maximum Separation Systems, Inc., and I hereby certify that I have mailed by United States Postal Service the document to the following non CM-ECF participants: Jennifer L. Jolley and Rex B. Stratton, counsel for Maximum Separation Systems, Inc., Stratton Ballew, Suite 1313, 1218 Third Avenue, Seattle, Washington 98101.


Kurt S. Kusiak